

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FILED

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U.S. DISTRICT COURT, E.D.N.Y.

★ SEP 02 2005 ★

BROOKLYN OFFICE

Civil Action No. CV 04-1945

MEMORANDUM & ORDER

BARBARA SCHWAB et al., individually and)
on behalf of all others similarly situated,)
Plaintiffs,)
v.)
PHILIP MORRIS USA, INC. et al.,)
Defendants.)

JACK B. WEINSTEIN, Senior District Judge:

Proffered materials regarding the following potential witnesses submitted after briefing of defendants for the motions returnable on September 12, 2005 will not be considered on the motions:

Dr. John Hauser

Judith Wilkenfeld

Matthew Myers

Laurence Tribe

Katherine Kinsella

Richard Redfern

Dr. Paul Slovic

Dr. Joel Cohen

Dr. Marvin Goldberg

Dr. Stanley Presser

Dr. John C. Beyer

SO ORDERED.

Jack B. Weinstein

Dated: August 31, 2005
Brooklyn, New York